

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

In re.	)	Case No.: 20-13482-SAH
	)	Chapter 11
RHA Stroud, Inc., <sup>1</sup>	)	
	)	[Jointly Administered]
Debtor.	)	
	)	

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**DEBTORS' APPLICATION FOR ENTRY OF ORDER (I) SHORTENING TIME FOR  
OBJECTION DEADLINE AND (II) SETTING EXPEDITED HEARING ON  
DEBTORS' EXPEDITED MOTION PURSUANT TO 11 U.S.C. §§ 105(a) AND 1107(a)  
FOR ENTRY OF INTERIM AND FINAL ORDERS ESTABLISHING CRITICAL  
VENDOR PAYMENT PROCEDURES**

Debtors RHA Stroud, Inc. d/b/a Stroud Regional Medical Center (“Stroud Hospital”) and RHA Anadarko Inc., RHA Anadarko, Inc. a/k/a The Physicians’ Hospital in Anadarko (“Anadarko Hospital”) (each a “Debtor,” and collectively, the “Debtors” or “Hospitals”), by and through their undersigned counsel, pursuant to Local Rule 9006-1, respectfully file this *Application for Entry of Order (I) Shortening Time for Objection Deadline and (II) Setting Expedited Hearing on Debtors' Expedited Motion Pursuant to 11 U.S.C. §§ 105(a) and 1107(a) for Entry of Interim and Final Orders Establishing Critical Vendor Payment Procedures* (the “Application”).

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<sup>1</sup> The Debtors in these cases, along with the last four digits of their federal tax identification number is: RHA Stroud, Inc. (2635) and RHA Anadarko, Inc. (2528). The principal place of business for the Debtors is 2308 Highway 66 West, Stroud, OK 74079 and 1002 East Central Blvd. Anadarko, OK 73005.

## **JURISDICTION**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334.

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

3. The statutory predicates for the relief requested herein are Federal Rule of Bankruptcy Procedure 9006 and Local Rule 9006-1.

## **BACKGROUND**

4. On October 25, 2020 the (“Petition Date”) the Debtors filed voluntary petitions for relief under Chapter 11, title 11, United States Code, 11 U.S.C. § 101-1532 (the “Bankruptcy Code”).

5. The Debtors are operating their business and managing their affairs as debtors-in-possession under 11 U.S.C. § 1107(a) and 1108.

6. The facts and circumstances surrounding the filing of these cases are set forth in the *Declaration of Charles M. Eldridge in Support of First Day Motions* (Doc. No. 6) and incorporated herein by reference as though set forth in full.

7. The Debtors will be filing a *Motion Pursuant to 11 U.S.C. §§ 105(a) and 1107(a) for Entry of Interim and Final Orders Establishing Critical Vendor Payment Procedures* (the “Critical Vendor Motion”), which Debtors request be heard at the already scheduled November 17, 2020 hearing in this case.

**RELIEF REQUESTED AND BRIEF IN SUPPORT**

Pursuant to Local Bankruptcy Rule 9006-1, the Debtors represent the following:

1. **Cause for Request.** The Debtors request an expedited hearing because certain of the Debtors' vendors are refusing or are anticipated to soon refuse to continue doing business with the Debtors because of pre-petition obligations to those certain vendors. Certain of these vendors are essential to the Debtors' ability to continue treating and serving patients, and without these vendors, the Debtors risk not only harm to patients, but also irreparable harm to these estates because the Debtors will be unable to continue operating as a going concern. Accordingly, the Debtors respectfully request that the Court enter an Order shortening time for objections to the Critical Vendor Motion and setting an expedited interim hearing on the Critical Vendor Motion for **Tuesday, November 17, 2020 at 1:30 p.m. (C.S.T.)**, and that objections to such interim relief be due by **Friday, November 13, 2020 at 4:00 p.m. (C.S.T.)**.

2. **Date Due Without Requested Reduction.** Absent the relief requested herein, parties in interest would be given fourteen (14) days to assert objections to the relief requested in the Critical Vendor Motion.

3. **Previous Applications.** The Court previously entered an Order (Doc. No. 8) shortening the time for objections and expediting a hearing on the Debtors' "first day" motions filed in this case.

4. **Consent of Interested Parties.** The Debtors have sought the consent of the United States Trustee and First Physicians. On Friday, November 6, 2020 counsel for the Debtors provided a draft of the Critical Vendor Motion to the United States Trustee and counsel to First Physicians and requested comments. After reviewing the proposed Critical Vendor Motion, First Physicians' counsel stated:

We do disagree with many of the allegations made in your motion and will respond accordingly. Aside from that, we believe an interim hearing on critical vendors can and should occur before the 17<sup>th</sup> given the impact on the hospitals and concerns about interruptions. However, if an interim hearing won't be had until the 17<sup>th</sup>, we propose using the 17<sup>th</sup> for the sole interim relief sought, and moving the final hearings on cash collateral and cash management to December 15, to be heard at the same time as our Motion to Dismiss.

(emphasis added).

The Debtors on Monday, November 9, 2020 requested First Physicians' counsel to provide specifics on what allegations he disagreed with so that the parties could attempt to amicably resolve the issues. In response, counsel for First Physicians did not provide any clarity on the allegations he previously stated he disagreed with, but did provide counsel with estimated numbers relating to the potential critical vendors and stated “[w]e do reserve all rights relating to the motion and will respond as needed, but agree that critical vendors need to be paid now.”

The Debtors do not agree to moving the previously set final hearings on cash collateral and cash management to December 15, 2020 since the use of cash collateral and cash management expire on November 17, 2020.

### **CONCLUSION**

WHEREFORE, for the reasons stated herein, the Debtors respectfully request that the Court enter an order (i) shortening the time for parties in interest to object to the interim relief sought in the Critical Vendor Motion, (ii) setting an expedited hearing on the Critical Vendor Motion and (iii) granting such other relief as is just and proper. A proposed order approving this Application attached hereto as **Exhibit A**.

Dated: November 10, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that on the 10th day of November, 2020, a true and correct copy of the Debtors' Application for Application for Entry of an Order (I) Shortening Time for Objection Deadline and (II) Setting Expedited Hearing of Debtors' Expedited Motion Pursuant to 11 U.S.C. §§ 105(a) and 1107(a) for Entry of Interim and Final Orders Establishing Critical Vendor Payment Procedures filed on November 10, 2020, was served upon counsel registered with the CM/ECF System and was forwarded via U.S. Mail, first class, postage prepaid to the those parties listed on the attached matrix.

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